

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JONATHAN BERALL, M.D., M.P.H.,
Plaintiff,
v.
VERATHON INC., et al.,
Defendants.

Case No. 2:21-cv-00944-RSM

**STIPULATED MOTION TO EXTEND
DEADLINES TO SERVE EXPERT
REPORTS AND ORDER**

**NOTE ON MOTION CALENDAR:
May 17, 2022**

Plaintiff Jonathan Berall, M.D., M.P.H. (“Dr. Berall”) and Defendant Verathon Inc. (“Verathon”) (together, the “Parties”) hereby file this stipulated motion pursuant to Local Rules 7(d)(1) and 10(g).

The Parties' deadline to serve opening expert reports under FRCP 26(a)(2) is Thursday, May 26, 2022, and the deadline to serve rebuttal expert reports June 24, 2022. The Parties are currently in the process of scheduling and conducting fact depositions, including of Verathon pursuant to Fed. R. Civ. P. 30(b)(6), Plaintiff Dr. Berall, Verathon fact witnesses, and several third-parties. Because of scheduling conflicts, several witnesses are unavailable to sit for depositions sufficiently in advance of deadlines for expert reports in which their testimony is expected to be relevant. Thus, in order to accommodate the availability of witnesses and to afford the Parties sufficient time to complete depositions and prepare their expert reports, the Parties agree and

1 stipulate to a two-week extension of the deadlines to serve expert reports as set forth below. The
 2 parties agree that these extensions will not require any subsequent deadlines to be extended. In
 3 particular, the parties have coordinated to ensure that the anticipated experts will be available for
 4 their depositions to be taken prior to the date previously set for the close of all discovery (July 25,
 5 2022), which is not altered under the present proposal. Accordingly, the Parties respectfully
 6 request that the Court grant this stipulated motion.

Deadline	Original Date	Proposed New Date
Report from expert witnesses under FRCP 26(a)(2) due	5/26/2022	6/9/2022
Rebuttal expert reports due	6/24/2022	7/8/2022

12 SO STIPULATED.

14 Dated: May 18, 2022

Respectfully submitted,

15 *s/ Patty A. Eakes*

Patricia A. Eakes, WSBA# 18888
 Per D. Jansen, WSBA# 49966
 CALFO EAKES LLP
 1301 Second Avenue, Suite 2800
 Seattle, WA 98101
 (206) 407-2200 | Phone
 (206) 407-2278 | Fax
 Email: patty.eakes@calfoeakes.com
perj@calfoeakes.com

s/ Jason B. Sykes

Derek A. Newman, WSBA No. 26967
 Jason B. Sykes, WSBA No. 44369
 NEWMAN DU WORS LLP
 2101 Fourth Avenue, Suite 1500
 Seattle, WA 98121
 Telephone: (206) 274-2800
 Email: dn@newmanlaw.com
jason@newmanlaw.com

1 Ruffin B Cordell (*admitted pro hac vice*)
FISH & RICHARDSON P.C.
2 1000 Main Ave SW
Washington, DC 20024
3 Email: *cordell@fr.com*

4 Thad C. Kodish (*admitted pro hac vice*)
Charles N. Reese, Jr. (*admitted pro hac vice*)
5 Wonjoon Chung (*admitted pro hac vice*)
Noah C. Graubart (*admitted pro hac vice*)
6 1180 Peachtree Street NE, 21st Floor
Atlanta, GA 30309
7 Email: *tkodish@fr.com*
creese@fr.com
chung@fr.com
graubart@fr.com

8 Attorneys for Defendant Verathon Inc.

9 Christopher DeCoro, *pro hac vice*
Ashley Ross, *pro hac vice*
Stefan M. Miller, *pro hac vice*
Peter Evangelatos, *pro hac vice*
KIRKLAND & ELLIS LLP
10 601 Lexington Avenue
New York, NY 10022
Telephone: (212) 446-4859
Email: *christopher.decoro@kirkland.com*
ashley.ross@kirkland.com
stefan.miller@kirkland.com
peter.evangelatos@kirkland.com

11 James Hurst, P.C., *pro hac vice*
Marcus Sernel, P.C., *pro hac vice*
Tasha Francis Gerasimow, *pro hac vice*
Eric D. Hayes, *pro hac vice*
KIRKLAND & ELLIS LLP
12 300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862-5230
Email: *james.hurst@kirkland.com*
marc.sernel@kirkland.com
tasha.gerasimow@kirkland.com
eric.hayes@kirkland.com

13 Counsel for Plaintiff
14 Jonathan Berall, M.D., M.P.H.

ORDER

This matter comes before the Court on the Parties' Stipulated Motion to Extend Deadlines to Serve Expert Reports. After considering the Parties' Stipulated Motion, IT IS HEREBY ORDERED THAT reports from expert witnesses under FRCP 26(a)(2) shall be due on June 9, 2022, and that rebuttal reports from expert witnesses shall be due on July 8, 2022.

6 || IT IS SO ORDERED.

8 DATED this 18th day of May, 2022.


RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE